

PROB 12B
(7/93)

United States District Court
for
District of New Jersey
Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Keith DaCosta

Cr.:06-00368-001
PACTS#: 45488

Name of Sentencing Judicial Officer: Honorable William H. Walls

Date of Original Sentence: 06-12-07

Original Offense: Frauds and Swindles (18 U.S.C. § 1341, 1343 & 2)

Original Sentence: 21 months custody and two years supervised release

Type of Supervision: Supervised Release

Date Supervision Commenced: 03-11-09

PETITIONING THE COURT

☒ To modify the conditions of supervision as follows.

CAUSE

Keith DaCosta was ordered to pay restitution in the amount of \$156,000. There was no monthly payment schedule set by the Court. After an assessment of the offender's finances, it appears he is only capable of paying a minimum of \$50 per month towards the restitution amount. The offender is working at a minimum wage job and has extensive personal debt. We are recommending the monthly installment amount be set at \$50.

Respectfully submitted,

By: Kevin M. Villa
U.S. Probation Officer
Date: April 16, 2009

THE COURT ORDERS:

- ☒ The Modification of Conditions as Noted Above
☐ The Extension of Supervision as Noted Above
☐ No Action
☐ Other

Signature of Judicial Officer

Date

PROB 49
(3/89)

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW JERSEY**

**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

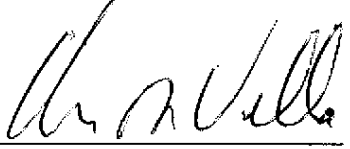
I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By 'assistance of counsel,' I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

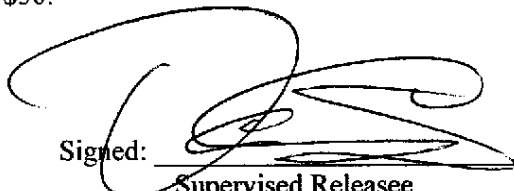
To modify the conditions of supervision as follows. The addition of the following special condition(s):

Keith DaCosta was ordered to pay restitution in the amount of \$156,000. There was no monthly payment schedule set by the Court. After an assessment of the offender's finances, it appears he is only capable of paying a minimum of \$50 per month towards the restitution amount. The offender is working at a minimum wage job and has extensive personal debt. We are respectively requesting the monthly installment amount be set at \$50.

Witness:


U.S. Probation Officer
Kevin M. Villa

Signed:


Supervised Releasee
Keith DaCosta

4/6/09
DATE

UNITED STATES DISTRICT COURT
PROBATION OFFICE
DISTRICT OF NEW JERSEY

CHRISTOPHER MALONEY
CHIEF PROBATION OFFICER

WILFREDO TORRES
SENIOR DEPUTY CHIEF PROBATION OFFICER

DEPUTY CHIEF PROBATION OFFICER
THOMAS C. MILLER

April 20, 2009

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The Honorable William H. Walls
United States District Judge
Martin Luther King Jr. Federal Bldg. and U.S. Courthouse
P.O. Box 0999
Newark, New Jersey 07102-0999

RE: **DACOSTA, Keith (Dkt.#: 06-00368-001)**
MODIFICATION TO CONDITIONS OF SUPERVISED
RELEASE

Dear Judge Walls:

The above offender was sentenced by Your Honor on June 12, 2007, after being convicted of Frauds and Swindles (18 U.S.C. § 1341, 1343 & 2) to 21 months in custody and two years supervised release. Special conditions included financial disclosure, no new credit, DNA collection, \$100 special assessment and \$156,000 in restitution. DaCosta began his supervision term on March 11, 2009. As no payment schedule was directed, we are requesting judicial action to implement a scheduled of payments.

After an assessment of the offender's finances, it appears he is only capable of paying a minimum of \$50 per month towards the restitution. The offender is working at a minimum wage job and has extensive personal debt. We are recommending the monthly installment amount be set at \$50.

Mr. DaCosta consented and signed the attached Probation Form 49 (*Waiver of Hearing to Modify Conditions of Supervised Release*). Also attached is the Probation Form 12B (*Modification to Conditions of Supervised Release*) for Your Honor's review and approval. If you have any questions, please feel free to contact the undersigned officer at (973) 645-4692.

Respectfully submitted,

CHRISTOPHER MALONEY, Chief
U.S. Probation Officer

By: Kevin M. Villa
U.S. Probation Officer

/kmv
Attachments

